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BILL C31 AND ITS IMPACT ON THE NORTHERN COMMUNITY

Robert Robson

On 28 June 1985 the federal government passed Bill C31, "An Act to Amend the Indian Act". The legislation was intended to remove all discrimination from the Indian Act, to restore Indian status and band membership rights to persons who had lost them as a result of the federal government's policy of "enfranchisement", to offer Indian bands the right of determining their own membership rules, and to eliminate all forms of enfranchisement. The Bill was very much a remedial measure which, as suggested by the then Minister of Indian Affairs and Northern Development, the Honourable David Crombie, was passed in an effort to right the "wrong" in Canada's legislation regarding Indian People¹. Unfortunately, Bill C31 has righted few wrongs. Indeed, in many respects the legislation has exacerbated an already problematic situation. Not only has this occurred in terms of issues such as the continuing constraints placed on the autonomy of Canada's First Nations, the seemingly ongoing discriminatory elements of the Indian Act, the poorly conceived nature of the Bill, the lack of funds available for program implementation and the federal governments' almost ambivalent attitude towards maintaining a continuing dialogue on the Bill but it has also occurred in terms of the impact of the legislation on the native community. This is particularly true in the north where Bill C31 could force a total reevaluation of both the community network and community infrastructure. The potential population shift to reserve communities, the increasing demand for specific services and the probable fallout from second and third generations who will be denied status, all suggest that serious consideration must be given to the long range impact of Bill C31.

The greatest impact of Bill C31 on the native population will be felt through its reinstatement component. Applying specifically to "any person who lost or was denied status because of the discriminatory sections in the previous law", the amendment offers the opportunity of reinstatement to a significant number of individuals². Those eligible to take advantage of the reinstatement clause include:

1. women who lost status upon marriage to a non-Indian;
2. individuals who lost or were denied status through other discriminating clauses in the Indian Act;
3. individuals who lost status through enfranchisement (a process that existed in the old Act whereby a person could give up status in exchange for certain other rights); and
4. children of people in the first three categories³.

The opportunity to reclaim status was, and undoubtedly will continue to be, appealing. Not only are individuals attempting to reclaim lost status but many are also attempting to avail themselves of the variety of government programs targeted at the status population. According to the Parliamentary Report, individuals acquiring status under the 1985 amendments are "eligible for federal programs and services on the same basis as others whose names are on the Indian Register"⁴. In theory they are entitled to postsecondary education financial assistance, noninsured health services and if they relocate to reserve property, federal assistance for housing, elementary and secondary education, health services and social assistance. As well, the relocating population is also exempted from government tax programs and may benefit from expanded hunting, fishing and trapping privileges. For those who have been denied their rightful heritage and the privileges that accompany the same, reinstatement offers a small measure of compensation.

The reinstatement component of Bill C31 includes the designation of Indian status and the potential for inclusion on band membership lists. The focal focus of the reinstatement issue is the Indian Register. Managed by the Department of Indian and Northern Affairs (INAC), the Register serves "the purpose of identifying and defining who is an

Indian"⁵. Much to the chagrin of the native population, the federal government has retained the right to establish the prerequisites for status designation. Separate from the Indian Register and one of the most controversial aspects of the Bill are the band membership lists. Cited by the INAC publication *Indian Band Membership* as the band's "base role", the band membership lists are either maintained by the federal government or by the bands themselves⁶. Where bands have decided to control their own lists, membership rules and regulations are the prerogative of the majority of electors. The membership codes which are also established by the bands, usually take into consideration tribal affiliation, ancestry, blood degree and residency.

In designing Bill C31, the federal government targeted the legislation at what they perceived to be a population of approximately 22,000 individuals⁷. This was, according to government officials, the number of native people who had "directly lost status and band membership as a result of discrimination"⁸. When, however, consideration was given to the number of descendants indirectly effected by the loss of status, the total population was determined to be approximately 50,000 people. Arguing that only 10-20% of the enfranchised population would actually seek reinstatement, INAC officials predicted that Bill C31 would facilitate the reinstatement of anywhere from 7-14,000 previously enfranchised individuals. In actual fact, however, in the two short years from June of 1985 to May of 1987, the government had received applications regarding registration for 90,051 individuals⁹. In Manitoba alone there had been 10,135 applicants. Of these, 2,594 had been registered and a further 974 had been entered on band lists¹⁰. The response to the legislation has been, to say the least, overwhelming. The federal government had neither anticipated such interest nor had it planned for such a high response rate.

At the community level, Bill C31 will have the greatest impact in the north. Here, where the native population forms a significant proportion of the overall total population, the reinstatement option could well mean dramatic changes. This is particularly true where the reserve community is located in close proximity to the nonreserve community. The potential exists for a total reorganization of the community structure of the north. This most likely will involve the downsizing of nonreserve communities and the expansion of reserve communities. The effected infrastructure could conceivably include housing, water-electrical-sewage servicing, educational services, social assistance and the provision of medical care facilities. As well and in a more general way, Bill C31 could also impact on landuse, resource management, annual incomes and the overall lifestyle of northern residents.

The major Bill C31 issue confronting the various northern communities is housing. If there is wide spread movement to the reserve communities, both non-reserve and reserve housing stock will be effected. While in the non-reserve community housing stock may be vacated with little chance of resale, in the reserve community the demand for dwellings will exceed the supply of units available. The non-reserve community will be forced to deal with a declining tax base, the physical deterioration of local housing stock and the overall degeneration of the community itself. The decline could well lead to the decommissioning of a number of northern communities. Conversely, the reserve community will further be forced to deal with the already apparent problem of housing adequacy. With housing waiting lists an established fact in most reserve communities, the influx of Bill C31 peoples will clearly accentuate existing problems of overcrowding. As well, the prioritization of housing need will undoubtedly become an issue, creating an ongoing confrontation between the Bill C31 peoples and the previously registered native population.



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515 PORTAGE AVENUE
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DIRECTOR'S REPORT

CMHC-IUS Funding Agreement

On June 12, 1989, the Honourable Alan Redway, the Federal Minister Responsible for Housing, announced a five year extension of the funding agreement between Canada Mortgage and Housing Corporation and the Institute of Urban Studies. A recent evaluation of IUS activities carried out by Canada Mortgage and Housing found that the Institute has met the objectives set out in the original agreement signed in June, 1984. George Anderson, President of CMHC stated that from CMHC's perspective the Institute has made a valuable contribution to the state of research on housing and community issues and he was impressed by the positive feedback provided on the Institute by the many individuals that were interviewed during the evaluation process. Mr. Anderson stated that he views support for centres such as the Institute as a valuable component of the Corporation's research and policy development strategy.

The new agreement will provide approximately \$1.3 million over the five year period from July 1, 1989 to June 30, 1994.

With this agreement, CMHC is recognizing both IUS's "track record" and its future potential. The Institute will use the funds to continue its work in the areas of research, publication, education and community outreach. More specifically, the funding will be used to:

- encourage and facilitate independent applied research on housing and community development issues. Much of the research will be undertaken by Institute staff, but IUS will also facilitate research initiatives by other academics and professionals in appropriate fields;
- enhance the Urban Studies Program currently coordinated by the Institute. This Program will be used to train housing and urban professionals;
- to facilitate seminars, workshops and conferences that promote discussion on urban and housing related issues, encourage the

exchange of new ideas and help disseminate research results and publications;

- to maintain contacts with community and neighbourhood groups and provide expertise and assistance on an outreach basis;
- to promote education, and multidisciplinary research through a fellowship program which will support visiting academics and professionals and staff exchange programs with CMHC;
- to enhance the Institute's publication program. The IUS program has been a very successful vehicle for disseminating publications and research reports. The Institute will place an increased emphasis on both scholarly and professional material of interest to academics, professionals, community and government organizations.

During the last agreement, IUS continued its traditional emphasis on urban related issues, but it did expand its mandate to incorporate research on housing and community issues in rural and remote areas, particularly the northern prairies, North West Territories and the Yukon. Urban related research will continue to be the emphasis, but these new initiatives will continue under the new agreement as IUS develops as a centre of research excellence for the Prairies and the North. New initiatives, however, are planned for such areas as education and research in third world planning and development and the healthy cities planning initiative.

The Institute has had a long standing relationship with CMHC. Between 1969 and 1975 IUS received core funding from CMHC and then a five year agreement was signed in 1983. With this current agreement, IUS will be able to continue and expand its role as a centre of excellence in research, publication and education. The staff at the Institute look forward to an excellent and productive working relationship with CMHC over the next five years.

Tom Carter
Director

NEW APPOINTMENTS AT IUS

Dr. Tom Carter who has been acting as the Director of the Institute since March 1988, was appointed Director. Prior to joining the Institute, Dr. Carter was Executive Director of the Research and Policy Development Division with the Saskatchewan Housing Corporation. He held various positions in research and program delivery with the Housing Corporation and prior to that he was Executive Officer in charge of the Urban Economics Research Division of the National Capital Development Commission in Canberra, Australia. His areas of expertise include social housing policy and evaluation of social housing needs, housing and care requirements of the elderly, the inner city, housing and planning in small urban centres, and general market demand for land and housing. He is the Anglophone Academic Editor of Plan Canada (Journal of the Canadian Institute of Planners).

Mr. Brijesh Mathur, MCIP who has been a Senior Research Associate at the Institute since 1987, was appointed Assistant Director. Prior to joining the Institute, Mr. Mathur served with the Manitoba Executive Council. Other past appointments include Manager and Secretary, Saskatchewan New Careers Corporation; Director Planning and Programs, Meewasin Valley Authority, Saskatoon; Architect Planner, Saskatchewan Urban Affairs, and with private consulting

firms in Toronto. His research interests include urban health, housing and services in developing countries, planning and management of urban river corridors and the integration of planning theory and practice. He is the Editor in Chief of Plan Canada (Journal of the Canadian Institute of Planners) and of the Planners Newsletter (Newsletter of the Commonwealth Association of Planners).

Dr. Mary Ann Beavis, who has been working as Assistant Editor of Plan Canada since February 1989, has been appointed Research Associate. She will continue to do editorial work on Plan Canada, the Planners Newsletter, and IUS Publications. She will also be undertaking research and teaching for the Institute. Dr. Beavis received her Ph.D. from Cambridge University in 1987. She has published several articles and one book, and she has taught courses at the University of Manitoba and at Cambridge. Her research interests are in urban history, planning and ethics, the environment, and women's issues.

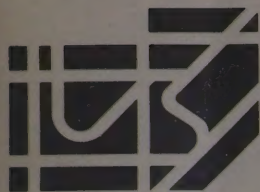
Ms. Nancy Ito was appointed Administrative Officer. Prior to joining the Institute, Ms. Ito held a variety of administrative, accounting and secretarial positions in the private sector and has acquired extensive computer knowledge. She will be responsible for all accounting functions, as well as the day-to-day administration of the Institute.

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Like housing, water-electrical-sewage servicing will also be affected by relocating Bill C31 peoples. Again, the non-reserve community will be contending with servicing a much depleted population base. The total shutdown of services will be a fairly common occurrence across the north. Of some significance here, however, is the fact that there could well be a second or third generation relocation movement back to the non-reserve community. If this does occur the termination of services is a poor response to the short-term depopulation of non-reserve communities. In the reserve community, many of which lack adequate services as it is, the problem of providing water-electrical-sewage servicing is an ongoing issue and one which will be further compounded by the Bill C31 population increase.

Education, health-care and social assistance are matters in which the jurisdictional conflict between federal and provincial government authorities has assumed paramount significance. At issue is the question of governmental responsibility. As has been suggested, the federal government is largely responsible for meeting the needs of the status Indian population and if the relocating population is significant enough to warrant the establishment of new on-reserve facilities then the federal government will be responsible for meeting those needs. In all likelihood the increasing role of the federal government will be balanced by the decreasing involvement of the provincial government. In any event, school closings, hospital construction and the reorientation of social assistance programs could all accompany the Bill C31 population shift.

In terms of landuse and resource management, both areas could be affected by Bill C31. Although the federal government has, in the not too distant past, seemingly discouraged the expansion of reserve property, it could well be that this will become the major landuse issue of the Bill C31 conundrum. The federal government may be put in a position where it is forced to consider the creation of new reserves and the possible expansion of established reserves in order to meet the needs of the on-reserve population. If this does occur, reserve land could conceivably encroach upon land already occupied by a non-reserve community. The ensuing legal entanglement could easily mitigate any of the advantages gained by the reserve population. Resource management which could include everything from program administration to economic development strategies, will also be an issue of the relocating population. Although the problems of resource management will be much more localized, it will however be a question of properly utilizing the resources available to the local population.

Finally, annual incomes and resident's lifestyles are issues that will only moderately be affected by Bill C31. Perhaps, however, the greatest impact of the legislation will be felt in the non-reserve community where many of the services previously provided will no longer be necessary. The depopulation of non-reserve communities could encourage the relocation of the various service industries to the reserve communities. This could in turn enhance the lifestyle of the on-reserve population as the service industries would not only provide employment but also a degree of economic wellbeing.

While the long term impact of Bill C31 is still very much an intangible, it is quite apparent that it will have a major affect on both community and community infrastructure throughout the north. Unfortunately, however, to this point the dialogue on Bill C31 has not adequately addressed the needs of the northern community. Although organizations such as the Northern Association of Community Councils or the Manitoba Metis Federation have recognized this shortcoming and have attempted to reopen the discussion of Bill C31, the federal and provincial governments have not. If Bill C31 is to be successfully implemented and further, and perhaps most importantly, if the northern community is to benefit by its implementation, then it is imperative that both senior levels of government reopen their discussions of the legislation.

NOTES

1. Canada, House of Commons Debates, 33-34 Eliz. II, Vol. II, 1985, p. 2644.
2. Canada, Indian and Northern Affairs, *Report to Parliament*, "Implementation of the 1985 Changes to the Indian Act", 1987, p. 6.
3. Ibid.
4. Ibid., p. 16.
5. Canada, Indian and Northern Affairs, "Indian Bank Membership", 1985, p. 6.
6. Ibid., p. 9.
7. Canada, House of Commons, *Minutes of Proceedings and Evidence of the Standing Committee on Indian Affairs and Northern Development*, Issue No. 12, 7 March 1985, p. 12:8.
8. Ibid.
9. Canada, Indian and Northern Affairs, *Report to Parliament*, p. 4.
10. Ibid., pp. B-7/B-8.

RESEARCH NOTES

NEEDS ASSESSMENT ON HOMELESS CHILDREN AND YOUTH

A needs Assessment on Homeless Children and Youth has been underway since August, 1988. The assessment is a joint project of the Social Planning Council and the Winnipeg Coalition on Homelessness and is funded by the Core Area Initiative. Below is an outline of the major research activities being undertaken in the Needs Assessment, and progress achieved to date. The major study activities include:

1. Homeless Children and Youth Surveys: the study interviewers have conducted approximately 120 surveys with runaway youth.
2. Surveys of Non-Runaway Youth: the study interviewers have conducted approximately 40 surveys with a comparison group of non-runaways.
3. Service Agency Contact Forms: this form was distributed to various children's group homes, and all school divisions. Respondents were asked to record, for a specified time frame, information on the runaway and homeless youth whom they have encountered.
4. Winnipeg Police Youth Division Statistics: available statistical information on Missing Youth Reports has been collected.
5. Key Actor Surveys: at least 30 interviews will be conducted with personnel from key service agencies to obtain their views on runaway/homelessness.

To date, the runaway and non-runaway youth surveys have been completed, and the Service Agency Contact Forms and Youth Division Statistics have been collected. The key actor surveys will be initiated early in the fall. It is expected a draft report will be completed by mid-November. Study findings will be highlighted in future issues of the Newsletter.

For more information contact:

Val Michaud, Social Planning Council 943-2561.

Catherine Charette, Institute of Urban Studies 786-9260.



FORUM

PROVINCE SELLS SUBURBAN LAND HOLDING TO THE PRIVATE SECTOR

The recent announcement by Gerry Du... sible for Housing, of the sale of a parcel of Laddo Developments has created considerable controversy in Winnipeg. A good deal of criticism has been expressed as a result. Although I cannot provide know... comments on the price involved or as to whether the proposal call system was fair and equitable, I think, raised do, in my opinion, require some clarification.

Does this development contribute to urban sprawl?

Emphasis today should be placed on increasing housing stock and inner city infrastructure. Money spent on expanding at the edge, at the expense of central areas. Government initiative should be taken. However this does not necessarily mean that the land should be tagged with the label "urban sprawl" within the guidelines of Plan Winnipeg, and not by existing residential areas. The project is cheaper than the proposed Cholakis development, which was also an issue of considerable concern. We still must provide suburban options, as required in the suburbs. Given the circumstances, I think it is justified in attaching the urban sprawl label.

Is the size of the development realistic given housing demand?

Much of the criticism suggests that this is overbuilding. It is true that housing demand is increasing substantially as we move into the 1990s. If more than half of the present new housing activity is to accommodate demand by the 1996-2000 period, and the government appear to have read more into the project is being phased over a ten to fifteen year period, 150 units per year are slated for construction. It is not likely to result in any overbuilding in the inner city. The project should have no difficulty attracting buyers. Its location itself is likely to be quite attractive.

Should the government have developed the land itself?

Governments entered the suburban land market in the 1970s in a big way, because, among other things, that a shortage of developed land was perceived. Exorbitant profits in a period of high demand has never been definitively proven, certainly do not justify substantive public involvement. Governments should instead be focusing resources on the inner city, leaving any surplus land to be provided to the private sector.

Should the province have provided, or insisted that, the developer provide housing for low income households in the development?

The provincial government certainly has an obligation to provide improved housing for low income householders and special needs groups. Its actions in this development must in no way excuse it from this obligation. However, the low income housing it supports does not necessarily have to be on this site, even though there is nothing inherently wrong with providing low income housing for certain client groups in this area.

Where will the money be spent?

In my opinion, these questions have somewhat clouded the most

important issue. What we really should be asking is how the government is going to spend the money it proposes to make on this project. It should be earmarked to provide more affordable housing for low income households, and renewal and revitalization initiatives in the inner city.

If the government does not do this, then its actions should be soundly criticized. There is no reason to be involved in suburban land development for the government to divest itself of it, the public has right to know where the money is made.

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ANNOUNCEMENT

SEP 30

Finalizing plans for City Festival
September 30, 1989. The proclamation
the morning of September 22nd
week long event will include:

Interpretive urban bus tours
Children's responses to sights

Panel discussions and films which in-
crease the meaning of the city;

Exhibition - to explore the many
Winnipeg within a one day period;

Artists which deal with subject

As formally incorporated early in
the study, examination and
purpose to encourage and facilitate
actions relating to the City, to explore
and to develop options and pro-
pose goal is to foster a clear vision
urban life and to make Winnipeg
a place to work, invest in and visit.

Members was held in March 1989 at
directors was appointed. In addition
would be an immediate initiative
a Centre, the Board identified a

number of long term initiatives including enlarging its general
membership, establishing a regular newsletter, hosting various
exhibitions and exploring the possibility of securing a permanent
location.

For more information, contact:
Catherine Charette, Member of the Urban Idea Centre
786-9260

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